

Staff Summary Report



Council Meeting Date: 05/15/08

Agenda Item Number: _____

SUBJECT: This is the **second public hearing** to adopt an ordinance abandoning a forty foot bus, bicycle and pedestrian access easement located east of McAllister Avenue within Krueger Street west of Rural Road.

DOCUMENT NAME: 20080515PWCH02 ABANDONMENT (0901)
ORDINANCE NO. 2008.15

SUPPORTING DOCS: Yes

COMMENTS: Arizona State University has requested the abandonment of the subject easement as represented in the attached enclosure. This easement will be replaced with a new easement.

PREPARED BY: Larry Shobe, Engineering Services Administrator (x8417)

REVIEWED BY: Andy Goh, Deputy PW Manager/City Engineer (x8896)

APPROVED BY: Glenn Kephart, Public Works Manager (x8779)

LEGAL REVIEW AS TO FORM: Cynthia McCoy, Assistant City Attorney (x2187)

FISCAL NOTE: N/A

RECOMMENDATION: Adopt Ordinance No. 2008.15 and authorize the Mayor to execute any necessary documents.

ORDINANCE NO. 2008.15

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, ABANDONING THE BUS, BICYCLE AND PEDESTRIAN ACCESS EASEMENT LOCATED EAST OF McCALLISTER AVENUE WITHIN KRUEGER STREET WEST OF RURAL ROAD.

WHEREAS, it has been determined by the City Council that the bus, bicycle and pedestrian access easement, described herein and shown on Exhibit "A", consisting of four(4) pages is no longer required by the City for use as such; and,

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the City of Tempe does hereby abandon, relinquish and vacate the existing bus, bicycle and pedestrian access easement as shown on Exhibit "A" hereto attached.

Section 2. That all rights of the City in the easement abandoned shall vest in the record owner(s) of the adjacent property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

Section 3. The Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this Ordinance. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA

This _____ day of May, 2008 .

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

2004-1187408
OFFICIAL RECORDS OF
MARICOPA COUNTY ARIZONA
HELEN PURCELL
20041187408 10.00/1004 10.00
20041187408 10.00/1004 10.00
ELECTRONIC RECORDING

EXHIBIT "A"

Recorded at the request of CITY OF TEMPE

COURTESY RECORDING
NO TITLE LIABILITY

When recorded, return to:

②
CITY OF TEMPE BASKET
Attn: Larry Schmalz
31 E 5th St
Tempe Az 85280

∞ AFFIDAVIT AND FEE EXEMPT
PURSUANT TO ARS SECTIONS
11-1134(A)(2) and (A)(3).

BUS, BICYCLE AND PEDESTRIAN ACCESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

That for the consideration of Ten (\$10.00) Dollars and other valuable considerations, ARIZONA BOARD OF REGENTS, a body corporate, acting on behalf of ARIZONA STATE UNIVERSITY ("ASU"), Grantor, hereby grants to the CITY OF TEMPE, a municipal corporation of the State of Arizona an access easement for bus, bicycle, pedestrian and other appurtenances in the following described real property situated in the County of Maricopa, State of Arizona, to wit:

SEE EXHIBIT "1-1" and "1-2" ATTACHED HERETO AND
BY REFERENCE INCORPORATED HEREIN

Dated this 24TH day of SEPTEMBER, 2003 by

ARIZONA BOARD OF REGENTS, a body
corporate, acting for and on behalf of
ARIZONA STATE UNIVERSITY

By: Ray T. Jensen

Name: _____

Title: Ray T. Jensen

Associate Vice President, Administration

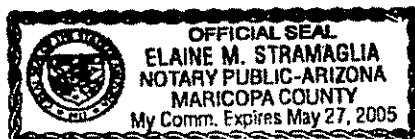
STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this (Date) 9-24-04
by Ray T. Jensen
 Grantors

My Commission Expires: 5-27-2005

Notary Public

Elaine M. Stramaglia



**LEGAL DESCRIPTION
40.00 FOOT ACCESS EASEMENT**

A portion of land located in the Northeast Quarter (NE ¼) of Section 22, Township 1 North, Range 4 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona. More particularly described as follows:

Commencing at the intersection of University Drive and Rural Road, said point being the Northeast Corner of Section 22;

- Thence, South 89°18'39" West, along the centerline of said University Drive and the North line of Section 22, a distance of 771.51 feet;
- Thence, South 00°05'49" East, along the East right-of-way line of McCallister Avenue, a distance of 284.04 feet to the Point of Beginning;
- Thence, North 89°54'35" East, a distance of 342.86 feet;
- Thence, South 01°48'52" East, a distance of 40.02 feet;
- Thence, North 90°00'00" West, to a point being on the East right-of-way line of McCallister Avenue, a distance of 344.06 feet;
- Thence, North 00°05'49" West, a distance of 39.46 feet to the Point of Beginning.

This tract contains 13,645.0 Square Feet or 0.31 Acres, more or less.

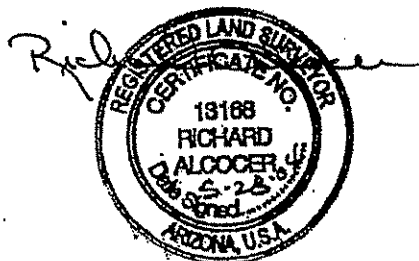


Exhibit for 40.00 Foot Access Easement

A PORTION OF LAND LOCATED
IN THE NE $\frac{1}{4}$ OF SEC 22,
T1N, R4E, G&SRBM

NE COR, SEC 22
T1N, R4E, G&SRBM
BRASS CAP
IN HANDHOLE

NOT FOUND

UNIVERSITY DRIVE

2646.76' (M) S89°18'39"W (M)

1875.25'

771.51'

N $\frac{1}{4}$ COR SEC 22
T1N, R4E, G&SRBM
BRASS CAP
IN HANDHOLE

S00°05'49"E

284.04'

30.50'

L1

L2

McCALLISTER AVE

KRUEGER STREET

L4

L3

N00°05'28"W (M)

2640.76' (M)

RURAL RD

#	LINE TABLE	
	DISTANCE	BEARING
L1	342.86'	N89°54'35"E
L2	40.02'	S01°48'52"E
L3	344.06'	N90°00'00"W
L4	39.46'	N00°05'49"W

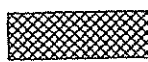
N



NOT TO SCALE

LEGEND

- (C) CALCULATED
- (R) RECORDED
- (M) MEASURED

 AREA TO BE ACQUIRED
AREA = 13645 SQ.FT. ±

W $\frac{1}{4}$ COR, SEC 23
T1N, R4E, G&SRBM
BRASS CAP
IN HANDHOLE

APACHE BOULEVARD

When recorded, return to:

CITY OF TEMPE BASKET

**AFFIDAVIT AND FEE EXEMPT
PURSUANT TO A.R.S.11-1134.A-3**

SEC 22, T1N, R4E

**ABANDONMENT OF BUS, BICYCLE AND PEDESTRIAN ACCESS
EASEMENT**

The undersigned, being the beneficiary and Grantee of that certain access easement for bus, bicycle, pedestrian and other appurtenances ("Easement") recorded in the Official Records of Maricopa County, Arizona, number 2004 1187408, hereby gives notice of its election to abandon the Easement and relinquish any and all of its right, title and interest in the Easement.

Dated this _____ day of _____, 2008

"GRANTEE"

City of Tempe, Arizona, a municipal corporation

By _____
Its _____

STATE OF ARIZONA)
) ss
County of Maricopa)

This instrument was acknowledged before me this ____ day of _____, 2008, by _____, on behalf of City of Tempe, Arizona, a municipal corporation.

Seal:

Notary Public